

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ENZO BIOCHEM, INC. et al.,)	
)	
Plaintiffs,)	
)	
v.)	02-CV-8448 (JES)
)	ECF Case
AMERSHAM PLC, et al.)	
)	
Defendants.)	
)	
)	

**DECLARATION OF MATTHEW M. WOLF IN SUPPORT OF AMERSHAM'S
MOTION FOR SUMMARY JUDGMENT**

I, Matthew M. Wolf, declare as follows:

1. I make the following declaration based on my personal knowledge and of my own free will. I am over 21 years of age and have never been convicted of a felony. I am a partner in the law firm of Arnold & Porter LLP and am admitted to practice in both Maryland and the District of Columbia. I represent Defendants Amersham plc and Amersham Biosciences, Inc. (collectively "Amersham").

2. Attached hereto as Exhibit 1 is the Final Distributorship Agreement, which was produced in this case under a confidential designation, as E00001631-73. (FILED UNDER SEAL)

3. Attached hereto as Exhibit 2 is an August 27, 1982 letter from the Department of Health to Yale University, which was produced in this case under a confidential designation, as E00031974-78. (FILED UNDER SEAL)

4. Attached hereto as Exhibit 3 is the License Agreement between Yale University and Enzo, which was produced in this case under a confidential designation, as E00002370-87. (FILED UNDER SEAL)

5. Attached hereto as Exhibit 4 is an October 11, 1995 fax letter from Thalenfeld to C.H.W. Home, which was produced in this case as E085750. (FILED UNDER SEAL)

6. Attached hereto as Exhibit 5 are excerpts for from the deposition of Ron Long, which has been designated confidential. (FILED UNDER SEAL)

7. Attached hereto as Exhibit 6 is a September 1, 1995 fax from Ernst & Young to Bass and Thalenfeld, which was produced in this case under a confidential designation, as E00023081-82. (FILED UNDER SEAL)

8. Attached hereto as Exhibit 7 are excerpts from the deposition of Dean L. Engelhardt, which has been designated confidential. (FILED UNDER SEAL)

9. Attached hereto as Exhibit 8 are excerpts from the deposition of Barbara Thalenfeld, which has been designated confidential. (FILED UNDER SEAL)

10. Attached hereto as Exhibit 9 is the February 10, 1995 Draft Distributorship Agreement, which was produced in this case under a confidential designation, as E00002830-43. (FILED UNDER SEAL)

11. Attached hereto as Exhibit 10 is a February 8, 1995 Fax from Evans to Rabbani, which was produced in this case under a confidential designation, as E00022587-91. (FILED UNDER SEAL)

12. Attached hereto as Exhibit 11 is an April 26, 1995 letter from Seadler to Rabbani, which was produced in this case under a confidential designation, as AM 005045. (FILED UNDER SEAL)

13. Attached hereto as Exhibit 12 is a January 12, 1996 fax from Rabbani to Evans, which was produced in this case under a confidential designation, as E00023009. (FILED UNDER SEAL)

14. Attached hereto as Exhibit 13 are excerpts from the deposition of Anthony J. Rollins, which has been designated confidential. (FILED UNDER SEAL)

15. Attached hereto as Exhibit 14 is an August 7, 1998 letter from Long to Rabbani, which was produced in this case under a confidential designation, as AM 005727-28. (FILED UNDER SEAL)

16. Attached hereto as Exhibit 15 is an April 6, 1999 letter from Rabbi to Evans, which was produced in this case under a confidential designation, as AM 005729-31. (FILED UNDER SEAL)

17. Attached hereto as Exhibit 16 is a July 23, 1999 letter from Evans to Rabbani, which was produced in this case under a confidential designation, as AM 005713-16. (FILED UNDER SEAL)

18. Attached hereto as Exhibit 17 is an August 22, 2000 letter from Fedus to Rollins, which was produced in this case under a confidential designation, as E00002286-90. (FILED UNDER SEAL)

19. Attached hereto as Exhibit 18 is a February 27, 2001 letter from Long to Rabbani, which was produced in this case under a confidential designation, as AM 006001-02. (FILED UNDER SEAL)

20. Attached hereto as Exhibit 19 is a July 10, 2001 letter from Fedus to Rollins, which was produced in this case under a confidential designation, as AM 006180. (FILED UNDER SEAL)

21. Attached hereto as Exhibit 20 is the First Set of Interrogatories of Amersham PLC and Amersham Biosciences, Inc. to Plaintiffs, served in this case on December 23, 2002.

22. Attached hereto as Exhibit 21 are excerpts from the transcript of the hearing before Judge Sprizzo on February 7, 2005.

23. Attached hereto as Exhibit 22 are excerpts from the transcript of the hearing before Judge Sprizzo on March 4, 2005.

24. Attached hereto as Exhibit 23 is Enzo's Amended Response to Amersham's Interrogatory No. 18, served in this case on March 9, 2005. (FILED UNDER SEAL)

25. Attached hereto as Exhibit 24 are excerpts from the transcript of the hearing before Judge Sprizzo on July 18, 2007.

26. Attached hereto as Exhibit 25 is a September 12, 2006 letter from Matthew Wolf to Richard Chern.

27. Attached hereto as Exhibit 26 is a March 5, 2007 letter from Adam K. Whiting to Richard Chern.

28. Attached hereto as Exhibit 27 are excerpts from the transcript of the hearing before Judge Sprizzo on October 26, 2006.

29. Attached hereto as Exhibit 28 are excerpts from the transcript of the hearing before Judge Sprizzo on May 21, 2005.

30. Attached hereto as Exhibit 29 is a February 10, 1998 letter from Long to Rabbani, which was produced in this case under a confidential designation, as AM 005737. (FILED UNDER SEAL)

31. Attached hereto as Exhibit 30 is Enzo's Responses to Amersham's 2nd Set of Interrogatories, Nos. 4 and 5, which were produced in this case under a confidential designation. (FILED UNDER SEAL)

32. Exhibit 31 is not used.

33. Attached hereto as Exhibit 32 is a July 23, 1999 fax from Rabbani to Long, which was produced in this case under a confidential designation, as AM 004639-40. (FILED UNDER SEAL)

34. Attached hereto as Exhibit 33 is the Settlement Agreement between Enzo and NEN. (FILED UNDER SEAL)

35. Attached hereto as Exhibit 34 is an October 7, 1999 letter from Rabbani to Long, which was produced in this case under a confidential designation, as AM 005017-24. (FILED UNDER SEAL)

36. Attached hereto as Exhibit 35 is a print-out of an article from the Goliath website referencing Applied Biosystems Group, Applera and Amersham settlement ending litigation.

37. Attached hereto as Exhibit 36 are excerpts from the deposition of Barry Weiner, which has been designated confidential. (FILED UNDER SEAL)

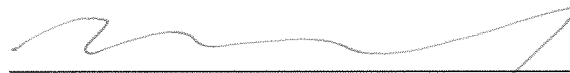
38. Exhibit 37 is not used.

39. Attached hereto as Exhibit 38 is a September 20, 2006 letter from Richard Chern to Matthew Wolf.

40. Pursuant to the Individual Practices of Judge Richard J. Sullivan, attached hereto as Exhibit 39 is a copy of the Second Amended Complaint filed in this case on May 29, 2003.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Dated: December 21, 2012



Matthew M. Wolf (MW 6947)